

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.53219 of 2019
Date of Decision: January 10, 2020

Raj Bala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Abhishek Sindhvani, Advocate,
for the petitioner.

Ms. Tanu Shree Gupta, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No.184 dated 15.06.2019, under Sections 148,149, 323, 452, 506 IPC and Section 302 IPC (added later), registered at Police Station, Jind Sadar, Jind. The petitioner is in custody since her arrest on 20.06.2019.

The FIR was registered on the statement of complainant-Kaptan with the allegations that on 15.06.2019 at about 8.15 AM, he along with Mohit, Sonu, Deepak and his uncle Virender were sitting in the room of his house. In the meantime, Dinesh, Mukesh, Rajabala, Pardeep, Kailasho, who were armed with lathi, danda and fawra came all of sudden and opened attack upon them with an intention to kill. Some persons intervened and saved them. His uncle was lying unconscious in the street with an injury by fawra on his head caused by accused. The complainant took his uncle to

Government Hospital, Jind from where he was referred to PGIMS, Rohtak.

The victim is stated to have died on 19.06.2019.

Learned counsel for the petitioner contends that in the alleged occurrence, victim had suffered injuries at the hands of accused Dinesh and the petitioner is shown to be a member of the unlawful assembly. He submits that though she was stated to be armed with a danda, but no specific attribution is mentioned in the FIR against her. It is argued that the complainant and his companions were the aggressors and they caused injuries to the petitioner and his sons Dinesh and Mukesh. The condition of Dinesh and Mukesh was very serious and they were also referred to PGIMS, Rohtak and medically examined and a cross case bearing FIR No.250 dated 05.08.2019, under Sections 147, 148, 149, 307, 323, 325, 326, 341 and 342 IPC was registered on the basis of the complaint filed by the son of the petitioner. According to him, the investigation of the case is complete and, therefore, her custodial interrogation may not be necessary.

Learned State counsel, who is assisted by ASI Surender, has apprised the Court that the victim died of the head injury caused by the co-accused of the petitioner and she was present at the place of occurrence and participated in the crime. It is pointed out that the case is now fixed for 16.01.2020 for the purposes of framing of charges. However, it is not disputed that accused also suffered injuries and a cross case also stands registered against the complainant and others.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete and the petitioner, who is a lady, is in custody since 20.06.2019, therefore, her further detention may not be justified. Resultantly, without meaning any expression of opinion on

the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Jind.

The petition is allowed.

January 10, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No